

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BRYAN MONTERO, et al.,

Plaintiffs,

v.

PRIMO HOME SERVICES INSTALLATION,  
INC., et al.,

Defendant(s).

23-CV-7340 (DEH)

**ORDER**

DALE E. HO, United States District Judge:

The Court has been informed that the parties have reached a settlement on all issues, following mediation through the District’s Mediation Program. In the Second Circuit, “parties cannot privately settle FLSA claims with a stipulated dismissal with prejudice under Federal Rule of Civil Procedure 41 absent the approval of the district court or the Department of Labor.” *Fisher v. SD Prot. Inc.*, 948 F.3d 593, 599-600 (2d Cir. 2020) (outlining the factors that district courts have used to determine whether a proposed settlement and award of attorneys’ fees is fair and reasonable); *see also Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206–07 (2d Cir. 2015).

It is hereby **ORDERED** that the parties shall file their materials for approval under *Cheeks* by **April 19, 2024**.

SO ORDERED.

Dated: March 15, 2024  
New York, New York



DALE E. HO  
United States District Judge